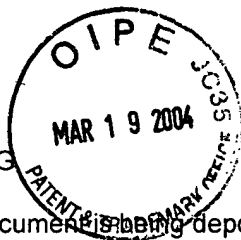


CERTIFICATE OF MAILING



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Date: 3/17/2004

Julie A. Eslick  
Signature of Person Mailing Correspondence

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicant(s):	Berardi, et al.	Docket No.:	60655.6200
Serial No.:	10/708,597	Group Art Unit:	TBA
Filed:	March 12, 2004	Examiner:	TBA
Title:	METHOD AND SYSTEM FOR TRACKING USER PERFORMANCE	Confirmation No.:	2596

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Commissioner:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R., §§1.97 and 1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed on the attached Form PTO/SB/08A. One copy of each cited document is submitted herewith. Applicant respectfully submits that all pending claims are patentable over the foregoing references, alone or in combination. The Examiner is requested to initial the enclosed Form PTO/SB/08A and return a copy thereof to the undersigned.

The items listed on Form PTO/SB/08A may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants reserve the right to dispute any of the listed documents as prior art during examination. Further, Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. Furthermore, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO/SB/08A that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
- 

2. ☒ Any copy of the items listed on the enclosed copy of Form PTO/SB/08A that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☒ Parent Application, ☐ Continuation, ☐ Divisional or ☐ Continuation-In-Part application under 37 C.F.R. §1.97, U.S. Serial No. 10/192,488, filed July 9, 2002.

3. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application.

☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits.

4. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 3 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 8 below.

5. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period

specified in paragraph 3 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

☐ A check in the amount of \$180.00 is enclosed in payment of the fee.

☐ Charge the fee to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

6. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 8 below; and
- b. the attached petition requesting consideration of this Information Disclosure Statement; and
- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 9 below.

7. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

- a. ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue;
- b. ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.
- c. The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 9 below.

8. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making

reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

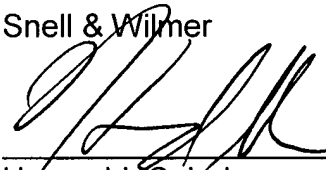
9. ☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(p).

☐ Charge the fee due under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

Snell & Wilmer



Howard I. Sobelman  
Registration No. 39,038

Dated: 3/17/04

Snell & Wilmer L.L.P.  
One Arizona Center  
400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6228  
Fax: (602) 382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)

[illegible]

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind <sup>5</sup> (if known)				
		CH	CH689070		08/31/1998	Peter Bresch		
		EP	0 358 525	A2	03/14/1990	W&T Avery Limited		
		EP	0 424 726	A1	10/10/1990	Angewandte Digital Elec.		
		PCT	WO 99/03057	A1	01/21/1999	Robert E. Dorf		
		EP	EP 0 933 717	A2	08/04/1999	Citicorp Development Center		
		EP	EP 0 956 818	A1	11/17/1999	Citicorp Development Center		
		EP	EP 0 959 440	A2	11/24/1999	Citicorp Development Center		
		JP	2000-1109	A	01/14/2000	Citicorp Development Center		
		JP	2000015288	A	01/18/2000	Hitachi Plant Eng & Constr		
		JP	2000-40181	A	02/08/2000	Unknown		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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Application Number	10/708,597
Filing Date	March 12, 2004
First Named Inventor	Michael Berardi, et al.
Art Unit	TBA
Examiner Name	TBA
Attorney Docket Number	60655.6200

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*







Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/708,597
		Filing Date	March 12, 2004
		First Named Inventor	Michael Berardi, et al.
		Art Unit	TBA
		Examiner Name	TBA
		Attorney Docket Number	60655.6200
Sheet	6	of	8

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"What's New: Timex Watch Features Speedpass System", <a href="http://www.speedpass.com/news/article.jsp?id=51">http://www.speedpass.com/news/article.jsp?id=51</a> (1 page)	
		"Physical Reality: A Second Look", Ken Sharp, Senior Technical Editor, <a href="http://www.idsystems.com/reader/1999_03/phys0399_pt2/phys0399_pt2.htm">http://www.idsystems.com/reader/1999_03/phys0399_pt2/phys0399_pt2.htm</a> (6 pages)	
		"Magic Wands' to Speed Mobile Sales", BobBrewin, Jan. 15, 2001, <a href="http://www.computerworld.com/mobiletopics/mobile/story/1,10801,563300.html">http://www.computerworld.com/mobiletopics/mobile/story/1,10801,563300.html</a> (4 pages)	
		"Mobile Speedpass Goes GLobal as Mobil Singapore Rolls Out Asia's First RFID-Based Pay-At-The-Pump System", Press Release, April 5, 1999, <a href="http://www.ti.com/tiris/docs/news_releases/rel12.htm">http://www.ti.com/tiris/docs/news_releases/rel12.htm</a> (3 pages)	
		"Speedpass Unleashed", June 4, 2002, <a href="http://www.cardweb.com/cardtrak/news/cf2_20a_97.html">http://www.cardweb.com/cardtrak/news/cf2_20a_97.html</a> (2 pages)	
		Prophecy Central Update #9, October 10, 1997, <a href="http://www.bible-prophecy.com/pcu9.htm">http://www.bible-prophecy.com/pcu9.htm</a> (5 pages)	
		International newsletter of the TI RFID Group, Issue 20, 2000 (12 pages)	
		"CES: Microsoft's SPOT Technology has Humble Origins", by James Niccolai, January 10, 2003, <a href="http://archive.inforworld.com/articles/hn/xml/03/01/10/030110hnsport.xml?s=IDGNS">http://archive.inforworld.com/articles/hn/xml/03/01/10/030110hnsport.xml?s=IDGNS</a> (3 pages)	
		"Microsoft: See SPOT Run On Your Wrist", by Richard Shim, June 5, 2003, <a href="http://news.com.com/2100-1041_3-1013442.html?tag=fd_top">http://news.com.com/2100-1041_3-1013442.html?tag=fd_top</a> (1 page)	
		"Networking: Microsoft SPOT", by Jeremy A. Kaplan, July 1, 2003, <a href="http://www.pcmag.com/print_article/0,3048,a=43561,00.asp">http://www.pcmag.com/print_article/0,3048,a=43561,00.asp</a> (2 pages)	
		"Microsoft Launches Smart Personal object Technology Initiative", Press Release from COMDEX Fall 2002, November 17, 2002, <a href="http://www.Microsoft.com/presspass/features/2002/nov02/11-17SPOT.asp">http://www.Microsoft.com/presspass/features/2002/nov02/11-17SPOT.asp</a> (4 pages)	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/708,597	
			Filing Date	March 12, 2004	
			First Named Inventor	Michael Berardi, et al.	
			Art Unit	TBA	
			Examiner Name	TBA	
Sheet	7	of	8	Attorney Docket Number	60655.6200

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Bank Extends RFID Payment Pilot: Bank of America will continue to tests its QuickWave RFID payment card for another three months", RFID Journal, 01/23/2003	
		"MasterCard to Test RFID Card: Pilot will test whether consumers, merchants and credit card issuers value "contactless payments", RFID Journal, 12/20/2002	
		"Vendors Target Amusement Parks: Protecting children and enabling cashless payments make RFID an appealing option for the entertainment industry", RFID Journal, 11/27/2002	
		"Inside's Next-Gen Smart Card: The French company plans to introduce an RFID card that uses a 16-bit microprocessor and new encryption technology", RFID Journal, 10/29/2002	
		"Sony, Philips Creating RFID Link: Consumer electronics giants are jointly developing a new RFID standard for payments and for communication between devices", RFID Journal, 09/17/2002	
		"Japan Gets Digital Ticket System: A national ticket seller and phone company are teaming up to create an electronic ticket", RFID Journal, 08/31/2002	
		"Security for Wireless Java: NTRU, a startup that offers security software, has released a Java version of its NTRU encryption algorithm", RFID Journal, 06/27/2002	
		"Making RFID Payments Ubiquitous: Philips and Visa want people to be able to pay for goods and services anywhere by using RFID chips embedded in the phones and other devices", RFID Journal, 06/02/2003	
		"RFID Smart Cards Gain Ground: The convenience of contactless transactions is driving widespread adoption of contactless smart cards", RFID Journal, 04/09/2003	
		"TI Embraces Prox Card Standard: Texas Instruments ISO 14443 payment platform promises faster data transfer rates and more security", RFID Journal, 03/06/2003	
		"Multiple Frequency Transponders: "Volume production of dual-band RFID chips begins", Frontline Solutions, 07/16/2003	

Examiner Signature		Date Considered	
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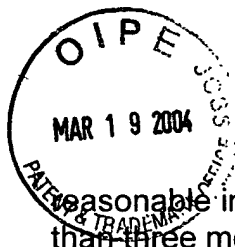
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reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

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Respectfully submitted,

Snell & Wilmer

Howard I. Sobelman  
Registration No. 39,038

Dated: 3/17/04

Snell & Wilmer L.L.P.  
One Arizona Center  
400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6228  
Fax: (602) 382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)